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*Attorneys for Plaintiffs in AFGE v. Office of
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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO, et
al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, et al.,

Defendants.

Case No. 3:25-cv-03698-SI

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED (CIVIL L.R. 3-12)**

1 Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiffs respectfully submit this administrative
2 motion in support of relating *American Federation of Government Employees, AFL-CIO, et al. v. United*
3 *States Office of Management and Budget, et al.*, Case No. 3:25-cv-08302-VC (hereinafter *AFGE II*),
4 filed today in this Court and currently assigned to Hon. Vince Chhabria, to this action, *AFGE v. Trump*,
5 Case No: 3:25-cv-03698-SI (hereinafter, *AFGE I*), which is the lower-numbered case.

6 Under Civil Local Rule 3-12(a), actions are related when: “(1) [t]he actions concern substantially
7 the same parties, property, transaction, or event; and (2) [i]t appears likely that there will be an unduly
8 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
9 different Judges.” Plaintiffs submit that both requirements are satisfied here.

10 As to the first element, both actions concern substantially the same parties and transactions. All
11 of the plaintiffs and defendants in *AFGE II* are also plaintiffs and defendants in *AFGE I*. Both actions
12 involve challenges to the lawfulness of efforts by the current federal administration to reduce the size
13 of the federal workforce by directives to federal agencies to engage in reductions in force of federal
14 employees. The newly filed action, *AFGE II*, challenges the Office of Management and Budget’s
15 (“OMB”) and the Office of Personnel Management’s (“OPM”) recent direction to federal agencies to
16 unlawfully administer the RIF process in the event of a federal government shutdown. Plaintiffs in this
17 case allege that RIFs planned by agencies, as directed by OMB and OPM (as well as USDS), are
18 unlawful for different but related reasons.

19 As to the second element, consideration of this action by a separate district judge would entail
20 unduly burdensome duplication of labor and expense in light of the significant factual overlap between
21 the two cases discussed *supra*. In addition, there is significant legal overlap. Both cases involve claims
22 under the Administrative Procedure Act (“APA”) for arbitrary and capricious agency actions and actions
23 contrary to law pertaining to reductions in the federal workforce. Both cases raise issues regarding the
24 source and scope of federal agencies’ authority to initiate and implement RIFs, as well as OMB and
25 OPM’s authority to give direction to other agencies. This Court has already considered many of these
26 issues in its various decisions in *AFGE I*. In addition, there may be RIFs initiated after September 30
27 that could be challenged in both cases, on the legal grounds raised in those cases. Permitting these
28

actions to proceed before different judges would thus raise the risk of conflicting results.

Civil Local Rule 7-11(a) requires an administrative motion “be accompanied . . . by either a stipulation under Civil L.R. 7-12 or by a declaration that explains why a stipulation could not be obtained.” As explained in the accompanying declaration, counsel for the *AFGE II* plaintiffs contacted the U.S. Attorney for the Northern District of California, the Chief of the Civil Division, and counsel for Defendants in *AFGE I* to ask whether they would accept service of the complaint and whether they could provide defendants’ position on whether the two cases should be related. Leyton Decl. in Support of Admin. Mot. ¶¶2-3. At the time of this filing, plaintiffs’ counsel had not received any response from the U.S. Attorney for the Northern District of California or Chief of the Civil Division. *Id.* ¶2. Counsel for Defendants in *AFGE I* responded that they oppose relating the two cases. *Id.* ¶3.

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